

Local Loans (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Charge of interest on local loans in Ireland, and provisions as to their issue and remission.
2. Recovery from grand jury of advances made.
3. Advances for support of lunatic asylums by county treasurer instead of out of Consolidated Fund.
4. Advance for improvement of landed property to carry interest from date of advance.
5. Advances for teachers dwellings to carry interest from the date advance.
6. Extinguishment of debts in second schedule.
7. Repeal of Acts.
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SCHEDULES.

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B I L L

TO

Amend the Law with respect to Loans to Local Authorities in
Ireland out of the Consolidated Fund, and to remit sundry
of such Loans. A.D. 1876.

WHEREAS under divers Acts, and particularly those mentioned
in the first schedule to this Act, advances out of the Conso-
lidated Fund are made, without interest, for divers purposes in
Ireland, and are repayable by counties, counties of cities, and
5 counties of towns in Ireland upon presentments made by the grand
jury, and such advances are made in different methods and by
different authorities:

And whereas it is expedient to authorise interest to be charged on
such of those advances as are mentioned in the first part of the
10 said schedule, and to provide that they should be made in one
method and by one authority:

And whereas it is expedient that the advances under the Acts
mentioned in the second part of the first schedule to this Act
should, after a limited period, be made by treasurers of counties,
15 and not out of the Consolidated Fund:

And whereas certain advances out of the Consolidated Fund have
been made in Ireland for the objects mentioned in the second
schedule to this Act, and upon each of these advances the amount
mentioned in that schedule, together with interest, is unpaid, and
20 due to the Consolidated Fund:

And whereas no sums have been recovered, either by way of
principal or interest, upon the said advances during a long period
of years, and it is inexpedient to keep open for any further period
the account of such advances:

25 Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
[Bill 231.]

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A.D. 1876. Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Charge of interest on local loans in Ireland, and provision as to their issue and remission.

1. All advances out of the Consolidated Fund made by way of loan after the passing of this Act, in pursuance of the Acts mentioned in the first part of the first schedule to this Act, or of any other Act authorising loans to local authorities in Ireland without interest (other than for the purposes mentioned in the second part of the said schedule) shall bear interest at the rate of *three and a half per cent.* per annum, or at such other rate as the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) from time to time fix, in order to enable the advance to be made without loss to the Exchequer.

All such advances shall be made through the Commissioners of Public Works in Ireland, acting under the direction of the Treasury, in such manner as the Treasury from time to time direct; and the power vested by the said Acts in the Lord Lieutenant, or the Lord Lieutenant in Council, to direct any sum to be issued out of the Consolidated Fund, shall be transferred to and vested in the Treasury.

Every such advance and the interest thereon shall be repaid within such period from the date of the advance as the Treasury from time to time fix, so that it do not in any case exceed *twenty years* or any less period fixed by the said Acts.

Nothing in the foregoing provisions of this section shall apply to loans which at the passing of this Act have been authorised by an Order of the Lord Lieutenant in Council.

All advances made (whether before or after the passing of this Act) in pursuance of the said Acts shall be remitted or compounded only under the authority of Parliament in each case.

Recovery from grand jury of advances made.

2. Where any advance made in pursuance of the Acts mentioned in the first schedule to this Act, whether made before or after the passing of this Act, has been made on the faith of the presentment of a grand jury, or a grand jury are authorised or required to present the amount required for the repayment of any such advance as above mentioned, the grand jury shall be authorised and required, without any previous proceeding at any presentment sessions, to present the amount required for the repayment of the whole of such advance, and of the interest thereon; and upon the certificate of the Commissioners of Public Works in Ireland that any sum in respect of an advance, or interest on an advance, is due to the Consolidated Fund from any county, county of a city, or county of a town, or any part thereof, being sent to the secretary of the grand jury of such county, county of a city, or county of a

town, the grand jury shall at the next assizes or presenting term, without any previous proceeding at any presentment sessions, present such sum, or in default thereof the judge of assize or the court shall order such sum to be raised, which order shall have the force of a presentment, and such sum shall be apportioned and raised and levied accordingly as if the same had been inserted on a presentment duly made at such assizes or presenting term; and every sum raised in pursuance of this section shall be paid into the Bank of Ireland to the account of Commissioners of Public Works in Ireland, or in such other manner as the Treasury from time to time direct.

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In this section, the expression "grand jury" shall include the town council of any borough to whom the powers of a grand jury with respect to the presentment of public money have been transferred.

3. Whereas by the Act of the session of the first and second years of the reign of Her present Majesty, chapter one hundred and sixteen, intituled "An Act to facilitate advances out of County Monies for the support of County Gaols and Institutions in Ireland," provision is made for the treasurer of a county or county of a city or town in Ireland, advancing sums required for the support of any gaol or other public institution for which a presentment has been made at the preceding assizes, and it is expedient that advances for the opening and maintenance of a lunatic asylum should be made in pursuance of that Act, and not out of the Consolidated Fund; he it therefore enacted that—

Advances for support of lunatic asylums by county treasurer instead of out of Consolidated Fund.

A lunatic asylum shall be deemed to be a public institution within the meaning of the Act above in this section recited, and advances for the support thereof may be made accordingly.

- After the thirty-first day of March one thousand eight hundred and seventy-seven, advances shall not be made out of the Consolidated Fund in pursuance of the Acts mentioned in the second part of the first schedule to this Act.

Any advance made in pursuance of those Acts before the said day shall be repaid by such instalments as the Treasury may fix.

4. Whereas by section thirty seven of the Act of the session of the tenth year of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to Facilitate the Improvement of Landed Property in Ireland," the Commissioners of Public Works in Ireland are authorised, with the sanction of the Treasury, to make loans for the purposes of that Act, repayable by means of a rent-charge at six pounds ten shillings, payable for a term of twenty-two

Advances for improvement of landed property to carry interest from date of advance.

A.D. 1876. years by half yearly payments on every fifth day of April and tenth day of October in every year during said term.

And whereas by section three of the Act of the session of the twenty-ninth and thirtieth years of Her Majesty, chapter forty, intituled "An Act to authorise a farther advance of money for the 5
" same and additional purposes," the Commissioners are authorised to make loans for the purposes of that Act and the Acts therein recited, repayable by means of a rentcharge at five pounds per centum per annum, payable for a term of thirty-five years, by half yearly payments, on every fifth day of April and tenth day of 10
October in every year during said term. And whereas it is expedient to amend the same by authorising interest to be charged on such loans from the day of each advance to the first gale day that shall next follow in manner following :

Be it therefore enacted in case any loan is made *after the passing* 15
of this Act in pursuance of the said recited Acts of tenth Victoria, chapter thirty-two, and twenty-ninth and thirtieth Victoria, chapter forty, or either of them, or any other Acts continuing and extending the provisions of either of them, it shall be lawful to further charge the lands included in any order of the said Commissioners of Public 20
Works with interest on such loan at the rate of *three and a half per centum* per annum from the date of each advance to the first gale day which shall next happen, *videlicet* : the fifth day of April or the tenth day of October.

Advances
for teachers
dwellings
to every
interest
from the
date of
advance.

5. Whereas by section three of the Act of the session of the 25
thirty-eighth and thirty-ninth years of Her Majesty, chapter eighty-two, intituled "An Act to afford facilities for the erection, enlarge-
" ment, improvement, and purchase of dwelling-houses for resi-
" dences for teachers of certain national schools in Ireland," it is provided that every loan shall be repayable by an annual sum of 30
five pounds for every one hundred pounds of such sum from time to time advanced, and to be payable for the term of thirty-five years, to be computed from the date of the advance in respect of which the said annual sum shall be charged, such annual sum to be paid by equal half-yearly payments on the fifth day of April and 35
tenth day of October in every year during the said term of thirty-five years, with such apportionment, if any, as may be necessary in respect of the first and last of such payments :

And whereas it is desirable that the repayment of all loans made under the provisions of the said recited Acts of the tenth, the 40
twenty-ninth and thirtieth, and the thirty-eighth and thirty-ninth years of Her present Majesty shall be uniform in respect of date of repayment and interest :

Be it therefore enacted that in all advances made in pursuance of the thirty-eighth and thirty-ninth Victoria, chapter eighty-two, notwithstanding the provisions of the said recited third section as to the mode of computing the rentcharges payable thereunder, such rentcharges shall be computed and paid in accordance with the provisions of the third section of the twentieth-ninth and thirtieth Victoria, chapter forty, as amended by the fourth section of this Act in respect of interest which shall accrue from the date of the advance to the first gale which shall next happen.

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- 10 6. The debts due to the Consolidated Fund mentioned in the second schedule to this Act, and all arrears of interest thereon, shall, *after the passing of this Act*, be extinguished, and the amount of debt so extinguished shall be considered as a free grant from Parliament:

Extinguishment of debts in second schedule.

- 15 Provided that any debt which in the schedule is expressed to be remitted only upon performance of any condition shall not be remitted until that condition is performed.

7. So much of the Acts mentioned in the first schedule to this Act as is inconsistent with this Act is hereby repealed:

Repeal of Acts.

- 20 Provided that such repeal shall be without prejudice to any right acquired or liability accrued under any enactment hereby repealed, and any sum advanced in pursuance of such Act may be recovered and proceedings for the enforcement thereof taken accordingly.

8. This Act may be cited as the Irish Local Loans Act, 1876.

Short title.

A.D. 1876.

FIRST SCHEDULE.

PART ONE.

Object of Loan.	Acts.	
Prisons (erection, &c.) - - -	7 Geo. 4. c. 74. s. 17. 6 & 7 Will. 4. c. 116. s. 124.	5
Lunatic Asylums (erection of buildings) - - -	1 & 2 Geo. 4. c. 33. s. 4. 6 & 7 Will. 4. c. 116. s. 93. 8 & 9 Vict. c. 107. 18 & 19 Vict. c. 109. ss. 1-6.	10
Post Roads (repairs) - - -	6 & 7 Will. 4. c. 116. ss. 61, 62.	
Harbours and piers (repairs) -	16 & 17 Vict. c. 136. ss. 11, 12.	
Navigations (repairs) - - -	19 & 20 Vict. c. 62. ss. 29, 30.	

PART TWO.

Object of Loan.	Acts.	15
Lunatic Asylums (opening and maintenance) - - -	6 Geo. 4. c. 54. 6 & 7 Will. 4. c. 116. s. 93.	

SECOND SCHEDULE.

Objects of Advances	Acts under which Advances are made.	Amount advanced.	Amount repaid.	Principal outstanding.	Amount of Advances, and Reasons for Disbursements.
Dundalk Endowed School.	48 Geo. 3. c. 107.	£ s. d. 276 18 5	£ s. d. 27 13 10	£ s. d. 249 4 7	The advances to this school were made in 1815 on the faith of two private individuals standing surety for its repayment. In 1846, however, no trace could be found of the records of the recognition which was supposed to have been entered.
New Ross Endowed School.	38 Geo. 3. c. 107.	253 16 11	162 6 2	101 10 9	The endowments of this school are small, and the condition of the school worse.
Dublin. — Committee of Widows Streets.	40 Geo. 3. c. 60. 6 Geo. 4. c. 129.	226,783 17 6	NIL	226,728 17 6	At the end of last century certain Commissioners were appointed to make the streets of Dublin wider and more convenient; and to assist these Commissioners in their work, a sum of 35,000 <i>l.</i> 1 <i>s.</i> 2 <i>d.</i> was advanced to them in 1800, on the condition that the money should be repaid with interest at 5 per cent. out of the coal duty voted in 1800. In 1825 a further advance was made to the Commissioners of 190,741 <i>l.</i> 16 <i>s.</i> 4 <i>d.</i> , which was likewise secured on the coal duty, but at a rate of 8 per cent. only was charged as interest on both these advances. Though no principal was repaid, yet interest continued to be paid till the year 1848, when the duty on coal imported into Dublin was permitted to expire. No further payments have since been received in respect of this loan. The consequence is that the whole of the principal is outstanding, with arrears of interest since 1848. Thus, the advances which were given originally in the shape of a loan to the City

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Object of the loan.	Act under which the loan was made.	Amount advanced.	Amount repaid.	Principal outstanding.	Account of Advances, and Revenue for Repayment.
Dunderry Harbour.	36 Geo. 3. c. 82. 1 Geo. 4. c. 62.	218,769 4 7	78,614 10 9	146,254 13 10	<p>This loan was made on the security of the tolls and dues leviable under Acts of Parliament, and was to be repaid with interest at the rate of 5 per cent. The Act 1 Geo. 4. c. 20, however, diminished the security by getting an end to some of the coasting dues. This was followed by the trade between England and Ireland being directed a coasting trade, and kept on by Act 24 & 25 Vict. c. 67; the combined effect of which was that the dues imposed under the original Act of 1816 were entirely abolished, together with the passing tolls received by the Light Commissioners, which had been by 1 Geo. 4. c. 69, made applicable towards the repayment of the harbour advances. In this case, again, Parliament in getting rid of the tolls ordered to take less account the effect that their abolition would have upon the public money lent for the purposes of the harbour, and to make some other provision for the repayment of the debt.</p>
Cork.—For improvement of streets in.	37 Geo. 3. c. 84.	15,075 18 6	4,376 18 6	13,700 0 0	<p>This money was advanced in 1818 and 1819 on the security of the better dues and certain premises. The better dues, however, were abolished in 1829 by 10 Geo. 4. c. 100; and the only remaining portion of the premises was sold under Treasury authority in 1831.</p>

Objects of Advances	Acts under which Advances were made	Amount advanced.	Amount repaid.	Principal outstanding	Amount of Advances, and Terms for Repayment
<i>Pleasney</i> .—To R. H. Mansell for canal or mill-race at.	37 Geo 3 c. 34.	£ 1,004 13 4	£ 591 12 6	£ 913 19 10	A heavily encumbered estate appears to have forced the security of this loan, which was made in 1824. The consequence was that, when the estate was sold ten years later, it did not realize sufficient to repay the debt.
<i>Co. Mayo</i> .—For improving the communications of Castlebar and Ballinrobe.	37 Geo 3 c. 34.	2,659 0 0	2,631 17 4	117 2 8	This loan was made in 1822-3 on the faith of grand jury presentments. It would, doubtless, have been all recovered, had it not been that the balance which had been outstanding some years was, together with arrears of interest, omitted to be included in the Schedule of the Act of 17 & 18 Vict. c. 110, which treated the debt of the county.
<i>Co. Wickham</i> .—For road from Cachelconer to Ballinakil-lad, Cameray at Thurston.	37 Geo 3 c. 34.	2,115 9 9	1,980 0 5	165 9 4	The balance of this advance has not been paid, in consequence of a dispute with respect to certain arrears of interest which the grand jury declined to pay.
<i>Ardsheara</i> .—For improvement of harbour at.	1 & 2 Wm. 4 c. 33.	6,620 0 0	Nil.	6,620 0 0	This amount was advanced on the security of the tolls. In 1838 the harbour was totally destroyed, and consequently the tolls ceased to be levied.
Totals		477,074 18 0	83,194 19 6	393,879 18 6	
<i>Relief of Trade</i> .—Payment to Bank of Ireland of advances to various traders for, as follows:—	1 Geo. 4 c. 80. 3 Geo. 4 c. 118.				A sum of 285,000 <i>l.</i> was advanced by the Bank of Ireland for the relief of traders in different trades in the year 1831, with the guarantee of the Treasury for so much as was not repaid to the Bank by the borrowers. The Treasury thus became liable for a sum of 178,052 <i>l.</i> 1 <i>s.</i> 7 <i>d.</i> In the case of the loans to Sheshy, Magdal, Bannagh, Delany, and
(1.) Various traders	-	101,541 0 8	101,541 0 8	-	
(2.) Sheshy	-	650 0 0	478 19 7	50 0 8	

Objects of Advance	Amm under which Advance was made	Amount advanced.			Amount repaid			Principal outstanding		
		£	s.	d.	£	s.	d.	£	s.	d.
Morhu -	-	-	-	-	-	-	-	1,084	0	4
Reynolds -	-	-	-	-	2,415	19	8	935	11	5
Dubois -	-	-	-	-	3,074	8	7	96	9	10
Reynolds -	-	-	-	-	402	17	9	1,268	17	8
Reynolds -	-	-	-	-	20,000	0	0	18,770	9	10
Reynolds -	-	-	-	-	30,000	0	0	18,000	7	4
Reynolds -	-	-	-	-	10,000	7	4	-	-	-
(3.) Interest and other expenses paid to Bank of Ireland.	-	-	-	-	-	-	-	-	-	-
Add totals given above	-	178,078	7	7	147,775	17	9	40,300	9	10
Grand total	-	477,074	18	0	88,194	19	6	388,879	18	6
Add repayable by Newton	-	645,151	5	7	290,970	17	3	484,180	8	4
Swire's Fund, Court of Exchequer -	6 & 7 Vict. c. 35.	-	-	-	5,000	0	0	-	-	-
Compensation to others.	13 & 14 Vict. c. 51.	136,491	10	3	559	6	3	183,982	3	11

Swire's efforts have been made to recover the outstanding balance without success. In the case of Newton and Shaw proceedings have long been pending against Mr. Timothy Newton, in New South Wales, and a compromise has been effected by which it is proposed to remit the principal and interest due to the Government, upon the payment of a sum of 5,000*l.* In the event of such payment not being made the debt is to be constituted, and proceedings taken for its recovery.

This money was issued for the purpose of compensating officers of the Court of Exchequer when emoluments were diminished by the Emancipation Act, and was repaid out of the Swire's Fund. A small sum only was repaid direct, but under 31 & 32 Vict. c. 88, the stock standing to the credit of the Exchequer of the Court of Chancery and Court of Exchequer was sold, and the proceeds of the sale, together with the cash standing to the account, amounting to 175,982*l.* 3*s.* 11*d.*, were paid into the Exchequer. Consequently the debt may be considered to have been virtually paid, although not actually cancelled.

Local Loans (Ireland).

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B I L L

To amend the law with respect to Loans
to Local Authorities in Ireland out of
the Consolidated Fund, and to remit
sundry of such Loans.

*(Prepared and brought in by
Sir Michael Hicks-Beach and Mr. Selkirk
General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
4 July 1876.*

[1876 2511]

Under 2 oz.